IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1804 OF 2007

WITH

FIRST APPEAL NO.1805 OF 2007

WITH

FIRST APPEAL NO.1806 OF 2007

Executive Engineer .. Petitioner

Vs.

State of Maharashtra & Ors. .. Respondents

Smt.Neeta Karnik for the petitioner

Smt.S.V.Gajre, A.G.P. for respondent nos.1 and 2

Shri Amit Borkar for respondent nos.3A to 3D

CORAM : J.N.PATEL &
SMT.NISHITA MHATRE, JJ.

DATED : 19TH DECEMBER, 2007

P.C.:

1. In para 3 of the order, this court has remanded the matter to the learned Civil Judge, Kolhapur who is dealing with the cases referred to

under section 18 of the Land Acquisition Act by the Collector for fresh determination.

2. The learned counsel for the parties inform this court that these matters were dealt with by Ad-hoc Additional District Judge, Kolhapur and therefore, the learned Civil Judge, Senior Division is not taking up the matter.

3. We may make it clear that normally the reference is dealt with by Civil Judge, Senior Division but as the matter was assigned to the Ad-hoc Additional District Judges who are popularly known as fast track courts, we find no reason why the concerned court should not take up the matter in terms of our order.

4. In view of the hyper technical issue raised by the reference court, we make it clear that the court which has heard the matter is the court where the cases have been referred back for fresh determination and our order be read and understood accordingly.

5. The learned counsel for the parties also inform this court that as the matters were expedited and there has been a delay on the part of the reference court in taking up the matters because of this technical objection, the time period be further extended by 3 months.

6. We expect that the reference court would now expeditiously deal with the matter and dispose it accordance with law preferably within a period of 3 months.

7. Registrar (Judicial) to forthwith communicate this order to the reference court by fax.

(J.N. PATEL, J)

(SMT.NISHITA MHATRE, J)